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BY ECF AND TELECOPY

Hon. John G. Koeltl
United States District Court Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

The plaintiffs' submission was in fact unauthorized. Permission to file sur-reply papers should have been sought before making any such submission. Now that the submission has

Re: U.S.A. Baseball, et al. v. City of New York,
07 Civ. 3605 (JGK)(DFE)

Your Honor:

been made, the City may submit any response by August 8. No further papers are to be submitted & so ordered.

We write to respectfully request that plaintiffs' submission today of a letter brief and two additional declarations, be stricken. This submission attempts to reargue matters that were already fully presented to the Court at oral argument on August 1, 2007. Moreover, the Court did not request additional briefing from the plaintiffs. The plaintiffs' continued effort to have this Court second guess the City's policy decision should not be countenanced. Accordingly, the submission should be stricken from consideration, or alternatively, the City requests until August 8, 2007 to respond.

Respectfully submitted,

JH
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Assistant Corporation Counsel

Cc: John F. Collins, Esq.